

SEXUAL HARASSMENT POLICIES AND PROCEDURES IN EDUCATIONAL INSTITUTIONS

Prevention and Awareness Training

Recommended practice. The staff and student body at educational institutions should be trained on a variety of issues pertaining to sexual harassment. Both audiences should be trained on the educational institution's anti-harassment policy and an overview of the frequency of sexual harassment in schools and its impact on targets. All staff should be trained on their responsibilities to report any incidents of possible harassment that they observed or heard about through someone else. Professional staff should be trained on how to identify the behavior signs of possible harassment and how to talk to students about sexual harassment. Students should be trained in effective ways to stop harassment. Training should be conducted at orientation for new staff and students, and on a subsequent periodic basis, preferably once a year.

Policy

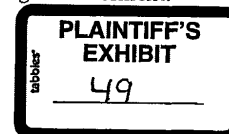
Recommended practice. The essential elements for a sexual harassment policy to be effective, or to encourage targets to come forward, are as follows: 1) the policy provides a clear definition of harassment in language that is appropriate to the age of the student population it is directed toward. It should give examples of the targeted behaviors, and state that harassment by employees of the educational institution, officially sanctioned visitors to be campus (e.g., a vendor, an invited speaker), and other students is covered under the policy; 2) the policy states that harassment is unlawful, and cites the applicable laws and time frames for making external complaints. It explains that complaints can be lodged internally, as well as externally with the Department of Education's Office of Civil Rights; 3) the policy is widely disseminated; 4) the procedure for making internal complaints is clear; 5) the policy is flexible in terms of reporting channels to accommodate a variety of situations; and 6) there are assurances regarding confidentiality of information, prompt investigations of all complaints, due process for all parties, and no tolerance of retaliation.

Receiving and Investigating Complaints

Recommended practice. The objectives in receiving complaints are: 1) to establish clear procedures which encourage victims to report; 2) to ensure due process for all parties; 3) to conduct prompt, thorough, and appropriate investigations; and 4) to ensure information is shared only on a need-to-know basis to protect confidentiality.

There is a protocol for an investigation into a complaint of harassment that should be followed in most cases. Of course, the complexity (or simplicity) of the allegations may warrant deviations from the procedural steps outlined below, as might other circumstances or situations under which a complaint arises. However, in general, these are some of the important considerations if an investigation is to be conducted in an appropriate manner.

- 1) Contemporaneous notes should be taken by the person receiving the complaint. Notations should be made on the date and time of the meeting, the demeanor of the complainant, as well as details of the alleged harassment.



The complainant should be asked to provide any information or evidence that would help in the investigation of the complaint, including dates, times, places, witnesses, etc. to alleged incidents. The complainant should be asked about what action is desired.

- 2) The process by which the complaint will be handled should be explained to the complainant. The individual should be instructed not to talk to others in the workplace about the complaint while the investigation is on-going. He/she should be assured of confidentiality to the extent possible, no retaliation, and encouraged to report any acts of retaliation or other improprieties.
- 3) The complainant should be asked to put their complaint in writing, or alternatively, a written summary might be prepared for the complainant to review, make additions or corrections, and sign.
- 4) If the complaint is complex or involved, it might be necessary to have more than one interview with the complainant to detail the allegations, and the investigator may need to prepare an outline of questions to be addressed in advance of interviews.
- 5) The accused should be confronted with all of the allegations and asked to respond. Depending on the allegations, it may be necessary to place the accused on administrative leave pending the outcome of the investigation. The interviewer should take contemporaneous notes, and make notations about the date, and time of the meeting (this should be done for all interviews during the investigation). If the accused denies any or all of the accusations, he/she should be asked to respond in writing (without delay).
- 6) The complaint process should be explained to the accused. He/she should be told not to discuss the matter with anyone else in the workplace, and should be instructed not to retaliate against the complainant or any witnesses, or otherwise try to influence the statements of others.
- 7) Witnesses should be interviewed in the same manner as the complainant and accused in terms of note-taking, instructions not to talk to others, confidentiality, and no retaliation (as actors or targets). Witnesses should be asked to reduce their statements to writing, or this should be done for them, with an opportunity for them to make additions and corrections before signing.
- 8) In some cases, it may be necessary to interview the parties or the witnesses more than once, as new information or allegations may arise in the course of the investigation that needs to be followed up on.
- 9) The credibility of the parties and the witnesses should be considered and weighed by the investigator.
- 10) A determination should be made as soon as possible after a review of all the evidence. Appropriate corrective action should be considered at this step, if indicated by the investigation outcome.
- 11) The accused and the complainant should be informed of the outcome and any corrective action to be taken in separate meetings.

Corrective Action

Recommended practice. When a complaint has been determined to be founded, appropriate corrective action should be taken to remedy the injury and prevent further harassment. Furthermore, the disciplinary measures decided upon should be proportional to the seriousness of the offense. Care should also be exercised to ensure that the complainant is not adversely affected by the corrective action taken.

In the event that the investigation results in a determination that the evidence was inconclusive, the school system should use measures such as training and monitoring to prevent any further problems from occurring.